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December 10, 2019

District Judge Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: 1:19-cv-08729-KPF  
Baez v. Bio-Nutritional Research Group, Inc.

Dear District Judge Failla:

This office represents the plaintiff. In accordance with your Honor's Individual Rules of Practice in Civil Cases ("Individual Rules"), 2(D) and the Notice of Initial Pretrial Conference, plaintiff requests an adjournment of the conference scheduled for December 19, 2019 at 11:00 AM. ECF No. 5, October 15, 2019.

In addition, plaintiff requests that the submission of the Proposed Civil Case Management Plan and Scheduling Order by Thursday of the week prior to the initial conference be adjourned consistent with the conference date.

Defendant's counsel consents to this adjournment request. The reason this adjournment request is made now is because defendant's counsel was only yesterday authorized to accept service on behalf of defendant. Upon receiving the waiver, plaintiff filed it and defendant's date to answer or move with respect to the complaint was set to February 7, 2020. Given defendant's counsel's recent entry, it would be premature to confer with defendant on the case management plan and scheduling order. There have been no prior requests for adjournment of the initial pretrial conference and submission of the case management plan and scheduling order.

Your Honor's Notice of Initial Pretrial Conference states that initial pretrial conference are intended to allow the parties to bring matters to the Court's attention yet recognizes that in certain instances the parties will be able to resolve proposed discovery schedules between themselves. Plaintiff and defendant presently expect to be able to resolve such matters once they have the opportunity to discuss the case further. Thank you.

Respectfully submitted,

/s/Spencer Sheehan  
Spencer Sheehan

Certificate of Service

I certify that on December 10, 2019, I served or emailed the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email
<u>Defendant's Counsel</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan  
Spencer Sheehan

Application GRANTED. Considering the deadline for Defendant's answer, motion, or response otherwise, the Court hereby ADJOURNS the initial pretrial conference to **February 19, 2020**, at **11:00 a.m.** The parties' Proposed Civil Case Management Plan ("CMP") and Scheduling Order will be due the Thursday prior, on February 13, 2020. If the parties feel that an initial pretrial conference is not needed, they can let the Court know whenever they submit their Proposed CMP and Scheduling Order.

Dated: December 10, 2019  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE